

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FILED
Santa Fe, NM

FEB 26 2002

W. A. MARCH, Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Gallina, Section 5

Subfile No.: CHGA-003-0002

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

WILLIE CHAVEZ

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Gallina, Section 5, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

Subfile No.: CHGA-003-0002

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0462 date filed 6/11/1923

Priority: Reserved for future determination by court order entered March 15, 2000.

Source of Water:

Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Cordova/Martinez Ditch

Location X: 1,481,451 feet **Y:** 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 9, Township 23N, Range 01E, N.M.P.M.

Pt. SE¼	9.3 acres
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Total	9.3 acres
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As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-03-0002.

Amount of Water: Reserved for future determination by court order entered March 15, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) 0462 date filed 6/11/1923

Priority: NONE

Source of Water:

Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch Name: Cordova/Martinez Ditch

Location X: 1,481,451 feet **Y:** 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 9, Township 23N, Range 01E, N.M.P.M.

Pt. SE $\frac{1}{4}$ 7.4 acres

Total 7.4 acres

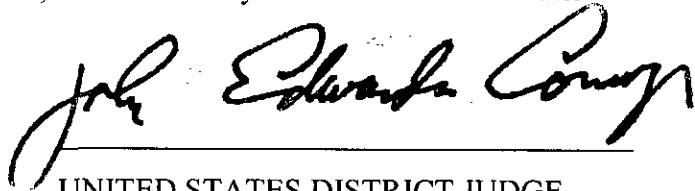
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-03-0002.

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin
SPECIAL MASTER

ACCEPTED: Willie Chavez
WILLIE CHAVEZ

ADDRESS: PO Box 8
Gallina, NM 87017
638-9526

DATE: 02-08-02

Ed NEWVILLE
EDWARD G. NEWVILLE
Special Assistant Attorney General

2-13-02
Date

